

AO 91 (Rev. 11/11) Criminal Complaint

US DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

UNITED STATES DISTRICT COURT

MAY 15 2017

for the
Western District of Arkansas
Harrison Division

DOUGLAS F. YOUNG, Clerk
By
Deputy Clerk

United States of America
v.
GREGG ALFRED NICHOLAS

Defendant

Case No.

3:17 mj 3001

CRIMINAL COMPLAINT

I, the Complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 14, 2017 in the county of Madison, in the Western District of Arkansas, the Defendant, GREGG ALFRED NICHOLAS, violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in possession of a firearm

This criminal complaint is based on these facts:

■ Continued on the attached sheet.



Complainant's Signature

Brent Young, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/15/17



Judge's signature

City and State: Fort Smith, Arkansas

Mark E. Ford, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A COMPLAINT

I, Brent Young, state as follows:

Introduction

1. I make this Affidavit in support of an Application for a federal criminal complaint charging GREGG ALFRED NICHOLAS ("NICHOLAS") with being a felon in possession of a firearm which has traveled in interstate commerce in violation of 18 U.S.C. § 922(g)(1) in Huntsville, Madison County, Arkansas, on April 14, 2017.

Agent Background

2. I am a special agent with Homeland Security Investigations (HSI) and have been employed by HSI for over 7 years. Prior to my employment with HSI, I was employed as an agent with the Mississippi Bureau of Narcotics for over 4 years.

3. Over the course of my employment as a Police Officer, I have conducted and participated in numerous criminal investigations which have resulted in arrests for crimes involving controlled substance violations, firearms violations, financial violations, and violations of the Immigration and Nationality Act. Many of these crimes resulted in subsequent convictions in State and Federal Courts.

4. I have also written and executed or participated in the planning and execution of State and Federal search warrants which have led to the arrest and conviction of multiple individuals. These search warrants have resulted in my testimony in State and Federal Courts in Arkansas and Mississippi.

5. I am currently assigned to the HSI Office of the Assistant Special Agent in Charge located in Fayetteville, Arkansas and have participated in investigations relating to interstate commerce.

6. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested Criminal Complaint.

Basis of Probable Cause

7. According to the criminal docket in case number 02174-2006 in Suffolk County Court of the State of New York, 210 Center Drive South, Riverhead, NY, on April 17, 2007, NICHOLAS was convicted of criminal possession of a weapon in the third degree, in violation of New York Penal Section 265.02(1), a class D felony. The maximum penalty for violation of New York Penal Section 265.02 is imprisonment for seven (7) years. As a result of this conviction, NICHOLAS is prohibited from possessing a firearm.

8. On April 13, 2017, the Huntsville Police Department arrested NICHOLAS, in Huntsville, Arkansas for criminal impersonation, in violation of Arkansas Code § 5-37-208, after NICHOLAS was encountered at No Boundaries Sports, located at 510 South Harris Street, Huntsville, Arkansas. NICHOLAS attempted to have multiple Department of Homeland Security (DHS) patches sewn onto camouflage uniform shirts at the No Boundaries Sports store. According to statements obtained from No Boundaries Sports employees, NICHOLAS represented himself to be a Wildlife Task Force Officer working for DHS to uncover ISIS (Islamic State of Iraq and Syria) camps in the area. While police were speaking with NICHOLAS at the No Boundaries Sports store, NICHOLAS made statements to police officers related to owning and possessing firearms.

9. Following his arrest, NICHOLAS was transported to the HSI Fayetteville Office, where he was advised of constitutional *Miranda* rights. NICHOLAS waived his *Miranda* rights

and consented to an interview regarding the events leading up to his arrest. During the interview, NICHOLAS made reference to previously holding a federal firearms license (FFL) and being a National Rifle Association (NRA) firearms instructor, as well as numerous other professional certifications related to firearms. NICHOLAS stated that he likes to hunt and fish, and stated that is what he does now. NICHOLAS stated that he uses a compound bow for deer hunting and denied having any firearms inside his home.

10. During the interview, NICHOLAS stated that he lives with his mother at 369 Madison 3044, Huntsville, Arkansas. When asked if his mother had any firearms inside the residence, NICHOLAS stated, "she might". NICHOLAS stated that she keeps the firearms inside a locked safe, located in her room.

11. On April 14, 2017, a State Search Warrant was executed on the NICHOLAS' residence, located at 369 Madison 3044, Huntsville, Arkansas, which is within the Western District of Arkansas, Harrison Division. As a result of the Search Warrant, 14 firearms were seized from inside the residence. Four of the seized firearms were discovered within the bedroom or closet area belonging to NICHOLAS, including:

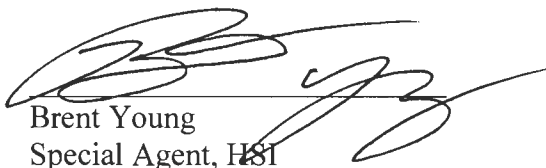
- a. Ruger Blackhawk, .44 Magnum pistol bearing serial number 5892519;
- b. Ruger Blackhawk, .44 Magnum pistol bearing serial number 5892529;
- c. Magnum Research Lone Eagle, .260 Remington pistol bearing serial number A01553; and,
- d. Browning Buckmark, .22 Long Rifle pistol bearing serial number 655NT16183.

12. Alcohol Tobacco and Firearms (ATF) Special Agent (SA) Tony McCutcheon is a trained Interstate Nexus expert on firearms and ammunition. On May 10, 2017, SA McCutcheon examined the below listed firearms to determine their affect on interstate commerce. It is the

opinion of SA McCutcheon that if the firearms listed below were received and/or possessed in the State of Arkansas, they had to have traveled in and affected interstate commerce as defined in Title 18 U.S.C. Section 921(a)(2).

- a. Ruger Blackhawk, .44 Magnum pistol bearing serial number 5892519;
- b. Ruger Blackhawk, .44 Magnum pistol bearing serial number 5892529;
- c. Magnum Research Lone Eagle, .260 Remington pistol bearing serial number A01553; and,
- d. Browning Buckmark, .22 Long Rifle pistol bearing serial number 655NT16183.

13. Based on the facts above, I respectfully state that probable cause exists that a violation of Title 18 United States Code Section 922(g)(1) has occurred and request that a Warrant of arrest be issued for Gregg Alfred NICHOLAS for violation of Title 18 United States Code Section 922(g)(1).


Brent Young
Special Agent, HSI

Subscribed and sworn to before me on this 16 day of May, 2017.


Mark E. Ford
United States Magistrate Judge